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## Gallatin City-County Health Department

**Environmental Health Services**  
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### **EMERGENCY HEALTH RULE RELATING TO COVID-19**

#### **EHR-2020-001**

WHEREAS, Section 50-2-116(2)(c)(i) provides that a local board of health may adopt regulations that do not conflict with 50-50-126, Montana Code Annotated (MCA) or rules adopted by the Montana Department of Public Health and Human Services;

WHEREAS, the World Health Organization has declared the worldwide outbreak of COVID-19 Novel Coronavirus a pandemic;

WHEREAS, the Montana Governor declared a statewide emergency relating to COVID-19 on March 12, 2020 via executive order 2-2020;

WHEREAS, President Donald Trump declared a countrywide emergency related to COVID-19 on March 13, 2020 via presidential proclamation;

WHEREAS, as of March 17, 2020, the United States Centers of Disease Control and Prevention (CDC) indicates there are over 4,226 cases and 75 deaths in the United States;

WHEREAS, most states in the United States are experiencing confirmed cases of COVID-19;

WHEREAS, the Montana Department of Public Health and Human Services (DPHHS) recognizes COVID-19 as a threat to the residents of Montana;

WHEREAS, as of March 17, 2020 there is a confirmed case of COVID-19 in Gallatin County and nine reported cases of COVID-19 in Montana;

WHEREAS, the Gallatin City-County Health Department has also worked to identify, contact, and test individuals in Gallatin County who have been potentially exposed to COVID-19 in coordination with the State of Montana Department of Public Health and Human Services and the CDC;

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interests of Gallatin County and its people;

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death and is a new strain of Coronavirus that had not been previously identified in humans and can easily spread from person-to-person;

WHEREAS, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high” and has advised that person-to-person spread of the COVID-19 will continue to occur globally, including within the United States, Montana, and Gallatin County;

WHEREAS, the CDC recommends to avoid spreading COVID-19 to increase social distancing to six feet in between individuals;

WHEREAS, the circumstances of this outbreak may exceed the capacity of the services, personnel, equipment, supplies and facilities of Gallatin County;

WHEREAS, based upon all of the above, on March 15, 2020, the Governor of the State of Montana, in consultation with public health authorities, has both closed all non-residential public schools in Montana through March 27, 2020 and strongly recommended the limiting of all gatherings, specifically gatherings of more than 50 people;

WHEREAS, on March 16, 2020, President Donald Trump recommended that, for the next 15 days, all Americans avoid groups of more than 10 people, and avoid eating and drinking at bars, restaurants, and food courts;

WHEREAS, on March 16, 2020 Gallatin City-County Health Officer Matthew Kelley issued HO-2020-001, which is incorporated herein by reference;

WHEREAS, to provide for additional enforcement mechanisms under § 50-2-124, MCA, the Gallatin City-County Board of Health desires to adopt HO-2020-001 as an emergency health rule pursuant to Board of Health Bylaw 1-05;

WHEREAS, COVID-19 constitutes an existing imminent danger to the public health, safety, and welfare;

WHEREAS, on March 17, 2020, the Board of Health held an emergency meeting, heard testimony, and made oral findings which are incorporated by reference, regarding the danger presented by COVID-19

WHEREAS, the danger presented by COVID-19 to the people of Gallatin County cannot be averted or remedied by any other administrative act, including HO-2020-001;

WHEREAS, additional closures are necessary to prevent the spread of COVID-19.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Title 50, Chapter 2, Part 1, and specifically Section 50-2-116 of the Montana Code Annotated,

**1: All bars, breweries, wineries, distilleries, restaurants, casinos, gyms, fitness facilities, athletic centers, workout studios, paintball parlors, ice skating rinks, indoor climbing venues, trampoline parks, indoor sporting arenas, ~~pubs~~ cinemas, and theatres shall be closed to the public beginning at 9:00 p.m. Wednesday, March 18, through Friday, April 3, 8:00 a.m., pending further notification.**

**2: Notwithstanding the foregoing, restaurants may operate on a limited basis by providing service via take-out, drive-through, and/or delivery. Restaurants that maintain dining room facilities in addition to take-out, drive-through and/or delivery operations must close their dining room operations.**

**3. Breweries, distilleries, and wineries may continue to make alcoholic beverages, but may not operate tasting rooms, or otherwise serve non-sealed alcoholic beverages to the public.**

**4: Food service establishments which provide the primary meal sources for a population that lives or works within its buildings, such as University-based dining facilities or cafeterias in hospital and care facilities may remain open to the population such an establishment serves.**

**5. This rule does not apply to grocery stores or deli counters within grocery stores, or to convenience stores. Convenience stores with combined restaurants shall close their dining room facilities.**

**6: This rule applies to all gyms, fitness facilities, athletic centers, workout studios, and indoor sporting arenas that provide services to the public, as well as fitness facilities belonging to private groups (e.g. University gyms, apartment or housing association, and care facilities, etc).**

**7: This rule does not apply to licensed physical therapy practices, provided that such practices exercise appropriate social distancing.**

**8: Violations of this rule shall be punished pursuant to Sections 50-2-123, and 50-2-124, Montana Code Annotated.**

**Dated this \_\_\_ day of \_\_\_\_\_, 2020.**

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Becky Franks  
Gallatin City-County Board of Health Chair

**ATTEST:**

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Eric Semerad, Clerk & Recorder